

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAX RAZO,

Plaintiff(s),

v.

ALL METAL MAINTENANCE STANDS,
et al.,

Defendant(s).

Case No. 2:15-CV-1341 JCM (PAL)

ORDER

Presently before the court is defendant All Metal M.S.'s ("All Metal") motion to dismiss. (Doc. # 6). *Pro se* plaintiff Max Razo filed a response (doc. # 11), and defendant filed a reply. (Doc. # 15).

This motion requests the dismissal of plaintiff's original complaint. (Doc. # 1). However, plaintiff filed an amended complaint. (Doc. # 35).

An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, 2013 WL 3943606, at *2 (D. Nev. 2013).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant All Metal M.S.'s motion to dismiss the original complaint (doc. # 6) be, and the same hereby is, DENIED as moot, without prejudice.

DATED March 25, 2016.


UNITED STATES DISTRICT JUDGE